

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/10/2020

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DAVID SYGALL,

Plaintiff,

- against -

ANDREW PITSICALIS, an individual;
LEON HENDRIX, an individual;
PURPLE HAZE PROPERTIES, LLC, a
Nevada Limited Liability Company;
ROCKIN ARTWORK, LLC, a Nevada
Limited Liability Company; ANGOTTI
DESIGNS, LLC, an Indiana Limited
Liability Company; a California Limited
Liability Company; GRASSROOTS
CLOTHING, LLC, a Colorado Limited
Liability Company; and KURT S.
ADLER, INC., a New York Corporation,

Defendants.
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18-CV-2730 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On November 15, 2019, I issued an Order granting Thomas T. Osinski's motion to withdraw as counsel for the Defendants. (Doc. 57). In that Order I directed the Defendants to obtain counsel and appear before this court within 60 days, or risk default. The order also explained that "[a]lthough individual defendants can appear pro se, corporate defendants cannot." (*Id.*) I also directed the parties to appear for a status conference on February 7, 2020.


On February 7, 2020, I held a status conference at which Plaintiff appeared and no Defendants appeared. At the conference, Plaintiff moved to strike Defendant Hendrix's Answer for failure to appear and comply with my Order of November 25, 2019. Under Federal Rule of Civil procedure 37(b)(2)(A), "[i]f a party . . . fails to obey an order to provide or permit

discovery . . . the court where the action is pending may issue further just orders.” This rule permits me to strike a pleading of a non-appearing Defendant. *RLI Ins. Co. v. May Constr. Co. Inc.*, No. 9 Civ. 7415(PKC), 2011 WL 1197937, *2 (S.D.N.Y. 2011). For the reasons stated on the record, it is:

ORDERED that the Answer filed by Defendant Leon Hendrix (Doc. 37) is stricken from the record for failure to appear at the conference held on February 7, 2020.

SO ORDERED.

Dated: February 10, 2020
New York, New York


Vernon S. Broderick
United States District Judge